

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 020431.0973

**In re Application of:**

**CRAIG SCHMIDT**

SERIAL NO. 09/820,370

**FILED: 11 MARCH 2001**

**FOR: SYSTEM AND METHOD FOR  
MATCHING BUYERS AND  
SELLERS IN A MARKETPLACE**

.....

**EXAMINER:**

**OLABODE AKINTOLA**

ART UNIT: 3691

CONFIRMATION NO.: 2848

## REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Sir/Madam:**

The Applicant hereby requests a refund in the amount of \$900.00, which was charged on 29 January 2007 to Deposit Account No. 500777 as shown on the attached Deposit Account Statement (Exhibit A) obtained from the USPTO website on 22 March 2007. The fee associated with the \$900.00 in question is not necessary, as discussed below.

**REMARKS:**

According to information obtained from the Deposit Account Branch of the U.S. Patent and Trademark Office, the \$900.00 in question was charged as a fee for a three-month extension of time for an Amendment that was filed on 10 January 2007. The Amendment was filed in response to an Office Action dated 12 July 2006 that provided a three-month response period ending 12 January 2007. Copies of the first two pages of the Office Action, showing the mailing date and the response period, are attached hereto as Exhibits B and C, respectively. The Amendment was filed on 10 January 2007, as evidenced by the copy of the first page of the Amendment (attached as Exhibit D), which includes a Certificate of Mailing Under 37 C.F.R. § 1.8(a) certifying that the Response was deposited with the United States Postal Service as First Class Mail on 10 January 2007. Thus, in accordance with the certificate of mailing procedures set forth in 37 C.F.R. § 1.8(a), the Response should be treated as timely since it was mailed before the expiration of the reply period provided by the Office Action. Accordingly, no fee for an extension of time should be necessary.

**CONCLUSION:**

Therefore, the Applicant hereby requests a refund in the amount of \$900.00 be credited to Deposit Account No. 500777. No fees are deemed to be necessary for the filing of this Request; however, the undersigned hereby authorizes the Commissioner to charge any fees that may be required, or credit any overpayments, to Deposit Account No. 500777.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

22 March 2007  
Date

/Steven J. Laureanti/signed  
Steven J. Laureanti, Registration No. 50,274

BOOTH UDALL, PLC  
1423 S. Higley Rd., Ste. 110  
Mesa AZ, 85206  
214.636.0799 (mobile)  
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**CUSTOMER NO. 53184**

**EXHIBIT A**

**United States  
Patent and  
Trademark Office**

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**Deposit Account Statement**

Requested Statement Month: January 2007  
 Deposit Account Number: 500777  
 Name: I2 TECHNOLOGIES US, INC  
 Attention: ROBERT C. DONOHOO  
 Address: 11701 LUNA ROAD  
 City: DALLAS  
 State: TX  
 Zip: 75234  
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/03	93	09892300	020431.0840	1801	\$790.00	\$35,215.00
01/04	135	10103342	020431.1091	1801	\$790.00	\$34,425.00
01/05	82	09895525	020431.0843	1801	\$790.00	\$33,635.00
01/17	44	10090342	020431.1105	1801	\$790.00	\$32,845.00
01/17	28	10940851	020431.1381	1814	\$130.00	\$32,715.00
01/18	38	09820370	020431.0973	1801	\$790.00	\$31,925.00
01/18	37	09820370	020431.0973	1251	\$120.00	\$31,805.00
01/23	188	09958439	020431.0747	1801	\$790.00	\$31,015.00
01/25	257	11804500	1048JW-80774-D1	8021	\$40.00	\$30,975.00
01/28	334	5930156	020431.0411	1552	\$2,300.00	\$28,675.00
01/29	4	5931900	020431.0317	1552	\$2,300.00	\$26,375.00
01/29	13	5937155	020431.0415	1552	\$2,300.00	\$24,075.00
01/29	1	09820370	020431.0973	1253	\$900.00	\$23,175.00
01/30	15	PAYMENT		9203	-\$20,000.00	\$43,175.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$38,005.00	\$12,830.00	\$20,000.00	\$43,175.00

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# EXHIBIT B

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,370	03/11/2001	Craig Schmidt	020431.0973	2848
53184 7590 07/12/2006				
I2 TECHNOLOGIES US, INC.				
ONE I2 PLACE, 11701 LUNA ROAD				
DALLAS, TX 75234				
EXAMINER				
AKINTOLA, OLABODE				
ART UNIT		PAPER NUMBER		
3624				

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# EXHIBIT C

Office Action Summary	Application No.	Applicant(s)	
	09/820,370	SCHMIDT, CRAIG	
	Examiner Olabode Akintola	Art Unit 3824	

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -**

**Period for Reply**

**A SHORTENED-STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

Extensions of time may be available under the provisions of 37 CFR 1.136(b). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  
If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  
Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 16 June 2006.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
**\* See the attached detailed Office action for a list of the certified copies not received.**

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_



# EXHIBIT D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

**CRAIG SCHMIDT**

**Serial No. 09/820,370**

**Filed: 11 MARCH 2001**

# For: **SYSTEM AND METHOD FOR MATCHING BUYERS AND SELLERS IN A MARKETPLACE**

**Attorney Docket No. 020431.0973**

**Examiner:**

**OLABODE AKINTOLA**

**Art Unit: 3624**

**Confirmation No.: 2848**

**AMENDMENT**

**MAIL STOP: RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Dear Sir/Madam:**

A Final Office Action in the subject Application was mailed to the undersigned on 12 July 2006, which provided for a response period ending 12 October 2006. The Applicant filed an Amendment After Final on 11 September 2006, within two (2) months of the date of the Final Office Action. An Advisory Action was mailed to the undersigned on 19 December 2006. A Request for extension for response within the first month is submitted herewith, extending the response period to 19 January 2007. A Request for Continued Examination (RCE) is submitted herewith. Please enter the following amendments and consider the following remarks prior to examining the subject Application.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

Date of Deposit: 1/10/07

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. §1.8(a) on the date indicated above and is addressed to Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By:

Amendment  
Attorney Docket No. 020431-0973  
Serial No. 09/820,370  
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Document code: WFEE

United States Patent and Trademark Office  
Sales Receipt for Accounting Date: 01/29/2007

~~SCALLIHA SALE #00000001 Mailroom Dt: 01/18/2007 500777 09820370~~  
~~01 FC:1253 900.00 DA~~

Adjustment date: 04/09/2007 SFELEKE1  
01/29/2007 SCALLIHA 00000001 500777 09820370  
01 FC:1253 900.00 CR